



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OLEM-2018-0013, FRL-9974-39-OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Revisions to the RCRA Definition of Solid Waste.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Revisions to the RCRA Definition of Solid Waste (EPA ICR No. 2310.04, OMB Control No. 2050-0202) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through April 30, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before [insert date 60 days after publication in the Federal Register].

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA-HQ-OLEM-2018-0013, online using www.regulations.gov (our preferred method), by email to rcra-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity,

threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Tracy Atagi, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: 703-308-8672; fax number: 703-308-8880; email address: atagi.tracy@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another Federal Register notice to announce the

submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In 2015 the EPA published final revisions to the definition of solid waste that exclude certain hazardous secondary materials from regulation (80 FR 1694, January 13, 2015). The information requirements help ensure that (1) entities operating under the regulatory exclusions contained in today's action are held accountable to the applicable requirements; (2) state inspectors can verify compliance with the restrictions and conditions of the exclusions when needed; and (3) hazardous secondary materials exported for recycling are actually handled as commodities abroad. Paperwork requirements finalized in that rule include:

- Under the generator-controlled exclusion at 40 CFR 261.4(a)(23), the tolling contractor has to maintain at its facility for no less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In addition, facilities performing the recycling of hazardous secondary materials under the generator-controlled exclusions at 40 CFR 261.4(a)(23) to maintain documentation of their legitimacy determination onsite.
- Under the verified recycler exclusion at 40 CFR 261.4(a)(24), a verified hazardous secondary materials recycler or an intermediate facility who has obtained a solid waste variance must meet the following conditions: having financial assurance in place, having trained personnel, and meeting emergency preparedness and response conditions.
- Under the remanufacturing exclusion at 40 CFR 261.4(a)(27), both the hazardous secondary material generator and the remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments.
- Under the revised speculative accumulation requirement in 261.1(c)(8), all persons

subject to the speculative accumulation requirements must label the storage unit by indicating the first date that the material began to be accumulated.

This ICR renewal does not include the burden associated with filling out form 8700-12 because that burden is included in ICR 2050-0024. The remaining burden will eventually be included in ICR 2050-0053, at which time this ICR will be withdrawn.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private business or other for-profit, as well as State, Local, or Tribal governments.

Respondent's obligation to respond: required to obtain or retain a benefit (42 U.S.C. 6921, 6922, 6923, and 6924.)

Estimated number of respondents: 200.

Frequency of response: On occasion

Total estimated burden: 36,488 hours. Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: \$2,378,111, which includes \$2,309,742 annualized labor costs and \$68,369 annualized capital or O&M costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: February 1, 2018.

Barnes Johnson, Director

Office of Resource Conservation and Recovery

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